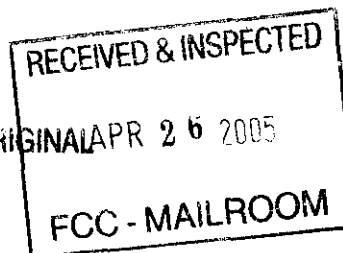


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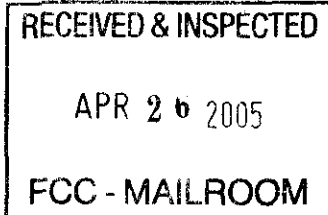
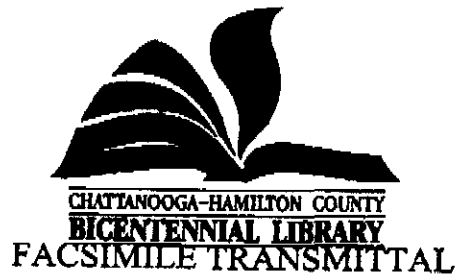
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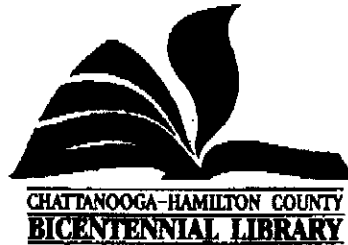
WAIVER REQUEST

FROM: Beverly A. Scott, Senior Grants Specialist
E-mail address: scott_b@lib.chattanooga.gov
Voice: 423.425.7711
Fax: 423.757.4994

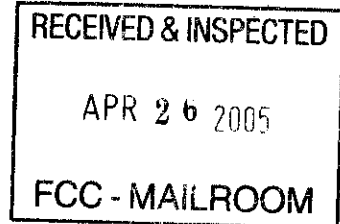
DATE: April 26, 2005

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1001 BROAD STREET
CHATTANOOGA, TENNESSEE 37402
(423) 757-5029



Federal Communications Commission
Office of the Secretary
445 - 12TH Street, SW
Washington, DC 20554



RE: WAIVER REQUEST

Applicant Name: Chattanooga-Hamilton County Bicentennial Library
Billed Entity Number: 128313
Form 471 Application Number: 379922
Form 486 Application Number: 280883
Funding Request Number: 1048383
Funding Year 2003 - 2004

This letter is requesting a waiver concerning the Service Start date for FR#1048383.

This library has a track record of timely submission to SLD [copies are attached]. Our funding is for telecommunications [telephone service and internet connections]. In this case, we erred with the Form 486 for FY 2003. This error was not realized until the submission of Form 486 for FY 2004. An error made by a new employee earnestly learning the proper procedures.

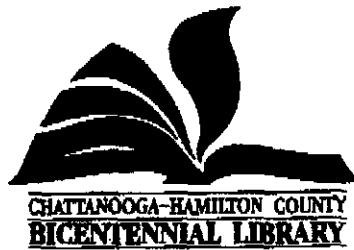
- May 12, 2003: this is the date of Funding Commitment Decision Letter for Form 471 Application 379922
- June 3, 2003: this is the hire date of our new Senior Grants Specialist who has the responsibility for the timely submissions of all E-rate reports, documents, and grant applications.

Your consideration of this request is appreciated. I stand ready to provide additional information and/or discuss this request with you.

Sincerely,

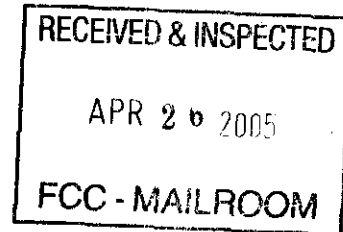
Beverly A. Scott
Senior Grants Specialist

1001 BROAD STREET
CHATTANOOGA, TENNESSEE 37402
(423) 757-5029



November 23, 2004

Letter of Appeal
Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981



Regarding: FR# 1048383 Service start date 06/22/2004
FY 2003: 07/01/2003 - 06/30/2004 Billed Entity # 128313
BEN: Chattanooga-Hamilton County Bicentennial Library [chcbl]
Form 486 Application # 280883 Form 471 Application # 379922

To Whom It May Concern:

This is a formal letter of appeal concerning the Service start date for FR#1048383.

This is the contact information for the person who can most readily discuss this appeal
Beverly A. Scott, Senior Grants Specialist, 423.425.7711 [voice], 423.757.4994 [fax]
scott_b@lib.chattanooga.gov

This library has a track record of timely submissions to SLD [copies are attached]. In this case, we erred with the Form 486 for FY 2003. This error was not realized until the submission of Form 486 for FY 2004.

Date submitted	Fiscal year	Signed by service provider
10/18/01	7/00 - 6/01	10/26/01
10/24/02	7/01 - 6/02	10/24/02
7/29/03	7/02 - 6/03	7/30/03
10/20/04	7/03 - 6/04	10/20/04


Customarily, CHCBL applies for reimbursement at the end of the fiscal year. On one occasion when our BEAR form had not been received we received a formal letter from the service provider bringing the oversight to our attention.

1001 BROAD STREET
CHATTANOOGA, TENNESSEE 37402
(423) 757-5029

The service start date of 06/22/2004 will cost CHCBL \$10,164. *This is a huge amount of money for us.*

Your consideration of this appeal would be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "David F. Clapp".

David F. Clapp
Director

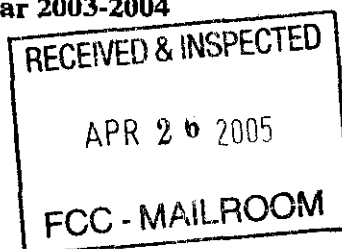


Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2003-2004

February 24, 2005

David Clapp
Chattanooga-Hamilton County Library
1001 Broad Street
Chattanooga, TN 37402-2620



Re: Applicant Name: CHATTANOOGA-HAMILTON CO LIB
Billed Entity Number: 128313
Form 471 Application Number: 379922
Form 486 Application Number: 280883
Funding Request Number(s): 1048383
Your Correspondence Dated: November 23, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2003 Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1048383
Decision on Appeal: **Denied**
Explanation:

- On appeal, you seek reversal of the SLD's decision to adjust the Service Start Date and reduce the funding request commitment amounts for violating the Form 486 120-day deadline.
- Upon review of the appeal letter, the relevant facts, and supporting documentation, the SLD determined that Form 486 for this funding request should have been filed within 120-days calculated from the issuance date of the Funding Commitment Decision Letter or the Service Start Date, whichever is later. It would be your responsibility to ensure that all Forms are submitted to SLD in a timely and correct manner. Based on this determination the FRN was justly processed in accordance with the rules of the Support Mechanism. You have

failed to provide evidence on appeal that SLD has erred in determination; consequently, the appeal is denied.

- The date of your Funding Commitment Decision Letter (FCDL) for Form 471 application 379922 was 05/12/2003. The Service Start Date reported on your Form 486 was 07/01/2003. The postmark date of your Form 486 was 10/20/2004. Since your FCC Form 486 was postmarked more than 120 days after your Service Start Date or the date of your FCDL, whichever is later, the SLD has revised your Service Start Date to the date 120 days before your Form 486 postmark date and reduced your funding commitment amount based on the adjusted Service Start Date.

The "Form 486 must be postmarked no later than 120 days after the Service Start Date featured on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later." See 2003 Funding Commitment Decision Letter, Universal Service for Schools and Libraries, Receipt of Service Confirmation Form, OMB 3060-0853, Instructions at 6. Since your Form 486 was postmarked after the 120 day filing requirement, the SLD has modified your service start date. The facts present in this appeal do not justify waiving the 120 day filing requirement. Consequently, your appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

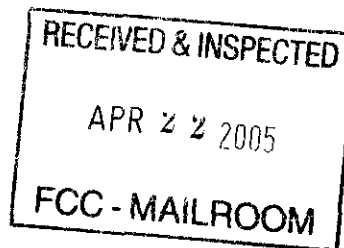
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Visit us online at: www.sl.universalservice.org

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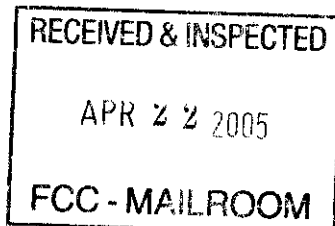
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RE: Lake Grove at Durham
Letter of Appeal

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Contact Name: Joe Schmukler
Phone: 631.716.2109
Fax: 631.716.2107
Email: cioofis@aol.com



3390 Route 112 P.O. Box 786 Medford, NY 11763-0786
Phone: 631-716-2100 Fax: 631-716-2107

April 19, 2005

Federal Communications Commission
445 12th Street SW
Washington, DC 20554



Re: Letter of Appeal
CC Docket No. 02-6

Funding Year: 2003-2004
Form 471 Application Number: 380528
Funding Request Number: 1046610
Applicant Name: Lake Grove at Durham School
Billed Entity Number: 5671
School's correspondence dated: August 18, 2004

RECEIVED & INSPECTED

APR 22 2005

FCC - MAILROOM

The following is an appeal on the Administrator's decision on Appeal dated February 24, 2005.

The SLD has denied Lake Grove at Durham School's appeal to the Schools and Libraries Division (SLD) on August 18, 2004 on a Funding Commitment Decision Letter dated July 27, 2004 denying total funding for the above listed funding request number due to the following decision explanation: *"Similarities in Forms 470s and in selective review responses amongst applicants using this service provider suggest service provider involvement in the competitive bidding process."*

In Lake Grove at Durham School's letter of Appeal to the SLD on August 18, 2004 the following positions were stated:

On November 10, 2002 Lake Grove at Durham posted a Form 470 online to mark the start of a 28-day open bidding process required by USAC/SLD prior to choosing service providers for selected services and subsequently filing a Form 471. I, Joe Schmukler of Lake Grove at Durham, personally and singularly completed the Form 470 online. This was accomplished by reviewing the eligible services list posted on SLD's website and carefully selecting those pertaining to our school and which we would be applying for discounts on through the Universal Service Fund.

I am, therefore, at a total loss as to understand why the above FRN has been denied due to similarities on the Forms 470s posted amongst other applicants suggesting service provider involvement. For the most part, it is difficult to comprehend how the SLD can issue a denial of an FRN based on activities that merely *suggest* a violation of program rules. The Program Integrity Assurance Team has been assigned to clarify any questions that arise during the review process. Verification rather than an assumption of questionable activities would have been in order.

In addition, I would like to add that perhaps the following was assumed. Being that I am the CIO of Information Systems for several schools that have applied for E-Rate, the general format and services listed on the forms I completed for each of those schools are the same and may seem possible that a service provider had improper involvement in the competitive bidding process. On the contrary, the opposite is true. As mentioned earlier, I personally completed the forms for each of the schools with my own knowledge of the school's needs and of the E-Rate grant rules, regulations and process without any outside interference. The reason for doing so was to create one unified and standardized technology environment for all the Lake Grove Schools. While the numerous schools' Forms 470s give the same appearance as far as the verbiage is concerned, the details correspond to each specific school's needs.

On June 19, 2003 Lake Grove at Durham received a Selective Review. I personally responded to this request for information since I am thoroughly familiar with all aspects of the school. All the information contained within my response was prepared by me and was in accordance with an announcement posted on the SLD website on May 13, 2003, "Service Providers Cannot Respond to Selective Review Requests (5/13/03)." Being the person authorized by the applicant to sign on the applicant's behalf, I was required to certify that I prepared the responses to the Selective Review Information Request on behalf of the entity. This certification was included with my response. It represented a certification that:

1 - The rules requiring applicants to have secured access to all the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services had been met.

2 - The rules requiring that applicants comply with the FCC's competitive bidding requirements had been met.

3 - The questions answered and documentation that was provided regarding the competitive bidding and vendor selection process were prepared by me as well as the provided documentation of the school's ability to pay their share of the cost of the E-Rate eligible products and services, and to estimate the costs of hardware, software, professional development, retrofitting, and maintenance investments that might not be E-Rate eligible, but are necessary to make effective use of the discounts.

It is unfathomable how after this certification was made the SLD then went and denied the above FRN for this exact reason based on an assumption.

As previously stated, I would like to reiterate that perhaps the following was assumed. Being that I am the CIO of Information Systems for several schools that have applied for E-Rate, the general format of my responses to reviews completed for each of those schools are the same and may seem possible that a service provider had improper involvement in the response of them. On the contrary, the opposite is true. As mentioned, I personally completed the response to the selective reviews for each of the schools with my own knowledge of each individual schools technology needs and compliance of E-Rate and FCC grant rules, regulations and process. While the numerous school's selective review responses may have given the same appearance as far as the layout and verbiage was concerned, the details contained within were specific to each schools needs.

The administrators Decision on Appeal Explanation is as follows:

- On Appeal, you disagree with the denial reason that similarities in Forms 470 posted amongst applicants suggest service provider involvement in the competitive bidding process. You claim that you personally completed the forms for your schools with knowledge of the schools' needs and of E-Rate rules and regulations. You state that you personally responded to the Selective Review Information Request. You believe the denial is unjustified based on your arguments and request that the decision be overturned.
- Upon thorough review of your appeal letter and all relevant documentation, it is determined that Lake Grove at Durham School's Form 470 identifier and Form 470 service descriptions displayed striking similarities to those of other applicants that selected Ed Tec as their vendor. These similarities were only noted with applicants that filed requests for services and products from Ed Tec, which indicates that Ed Tec was improperly involved in the competitive bidding and vendor selection process. In your appeal, you have not shown that SLD's determination was incorrect or that any such involvement was vendor neutral.
- SLD denied your funding request because it determined that similarities in the Form 470 among applicants associated with this vendor, indicate that the vendor was improperly involved in the competitive bidding and/or vendor selection process. In your appeal, you have not shown that SLD's determination was incorrect. Consequently, SLD denies your appeal.
- FCC rules require applicants to submit an FCC Form 470 to USAC for posting on its web site. 47 C.F.R. 54.504(b). The FCC requires applicants to "submit a complete description of the services they seek so that it may be posted for competing service providers to evaluate." Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, FCC 97-157, 570 (rel. May 8, 1997) (Universal Service Order). The FCC requires "the application to describe the services that the schools and libraries seek to purchase in sufficient detail to enable potential providers to formulate bids." Id.575. The Form 470 warns applicants that "[s]ervice provider involvement with the preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of the funding requests. See Schools and Libraries Universal Service, Description of Services Requested and Certification Form 470, OMB 3060-0806 (FCC Form 470). Once the applicant enters into an agreement(s) with the service provider(s), the applicant submits an FCC Form 471 to SLD. 47 C.F.R. 54.504(c). The FCC has stated that applicants cannot abdicate control over the application process to a service provider that is associated with the FCC Form 471 for that

applicant. Request for Review by Bethlehem Temple Christian School, Federal-State Joint Board on Universal Service. Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45, 97-21, DA-01-852 6 (rel. Apr. 6, 2001.)

- Pursuant to its authority to administer the Schools and Libraries Support Mechanism, SLD selects certain applicants for a Selective Review to ensure that they are following FCC rules relating to, among other things, the competitive bidding process. Applicants who are chosen for this review are sent the "E-Rate Selective Review Information Request." As part of this request, applicants are asked to answer certain questions regarding their competitive bidding and vendor selection process. In particular, applicants are asked to:

Please provide complete documentation indicating how and why you selected the service provider(s). This documentation should include a description of your evaluation process and the factors you used to determine the winning contracts(s).

- According to the Selective Review Information Request, the person authorized by the applicant to sign on the applicant's behalf, or the entity's authorized representative, is required to certify that the authorized signer prepared the responses to the Selective Review Information Request on behalf of the entity.

I am, therefore, appealing to the FCC to administer a final, just ruling on the matter. The SLD states, "In your appeal, you have not shown that SLD's determination was incorrect. Consequently, SLD denies your appeal." The SLD has blatantly disregarded my written confirmation and certification that "I personally completed the forms for each of the schools with my own knowledge of the school's needs and of the E-Rate grant rules, regulations and process without any outside interference." And that "I personally completed the response to the selective reviews for each of the schools with my own knowledge of each individual school's technology needs and compliance of E-Rate and FCC grant rules, regulations and process." This clearly asserts in understandable, unmistakable words that there was no outside involvement. The SLD has created a situation whereby they are assuming particular activity has occurred. Even after receiving clarification in an appeal that those assumed activities indeed did not occur, the same denial was issued. It is now obvious that the SLD reverts to their original denial even after actual facts presented invalidate the basis of their denial.

I would also like to make clear that I specifically input the Form Identifier chosen and the service descriptions enumerated. For the most part, this was accomplished by reviewing previous year's applications as well as the eligible services list. Those that pertained to the school were selected and listed. That it resembles the sequence or verbiage of other applications other than all Lake Grove Schools' applications, I cannot speak for others. What I can affirm is that all aspects of the Form 470 were completed by me, without outside involvement, and in accordance with E-Rate grant regulations. This should serve to strengthen this appeal. Given all this information demonstrating and disproving SLD's false assumption, I am seeking a reversal of their decision to deny total funding to our school for the funding request listed.

We look forward to a most favorable and prompt response.

Please contact me at 631.716.2109 for any further information necessary or to discuss this appeal.

Sincerely,



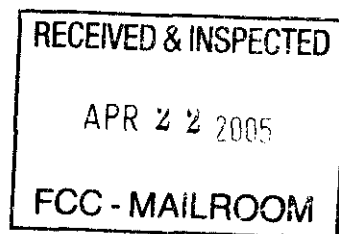
Joe Schumukler
CIO of IS
Lake Grove Schools
3390 Route 112
Medford, NY 11763
631.716.2109-voice
631.716.2107-fax
cioofis@aol.com -email

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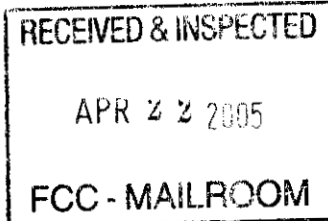
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RE: The Lake Grove School
Letter of Appeal

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Contact Name: Joe Schmukler
Phone: 631.716.2109
Fax: 631.716.2107
Email: cioofis@aol.com



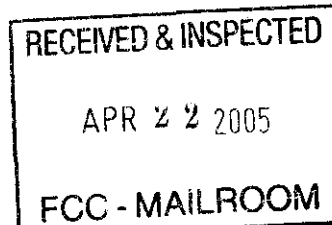
April 19, 2005

Federal Communications Commission
445 12th Street SW
Washington, DC 20554



Re: Letter of Appeal
CC Docket No. 02-6

Funding Year: 2003-2004
Form 471 Application Number: 381301
Funding Request Number: 1049266
Applicant Name: The Lake Grove School
Billed Entity Number: 13148
School's correspondence dated: August 18, 2004



The following is an appeal on the Administrator's decision on Appeal dated February 24, 2005.

The SLD has denied The Lake Grove School's appeal to the Schools and Libraries Division (SLD) on August 18, 2004 on a Funding Commitment Decision Letter dated July 27, 2004 denying total funding for the above listed funding request number due to the following decision explanation: *"Similarities in Forms 470s and in selective review responses amongst applicants using this service provider suggest service provider involvement in the competitive bidding process."*

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Universal Service. Changes to the Board of Directors of the National Exchange Carrier Association, Inc.,
CC Docket Nos. 96-45, 97-21, DA-01-852 6 (rel. Apr. 6, 2001.)

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- According to the Selective Review Information Request, the person authorized by the applicant to sign on the applicant's behalf, or the entity's authorized representative, is required to certify that the authorized signer prepared the responses to the Selective Review Information Request on behalf of the entity.

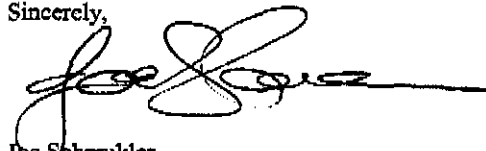
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We look forward to a most favorable and prompt response.

Please contact me at 631.716.2109 for any further information necessary or to discuss this appeal.

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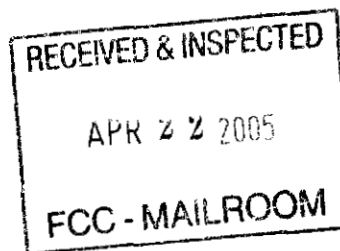
Joe Schmukler
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From: Joe Schmukler

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RE: Mountain Lake Children's Residence, Inc.
Letter of Appeal

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Contact Name: Joe Schmukler
Phone: 631.716.2109
Fax: 631.716.2107
Email: cioofis@aol.com

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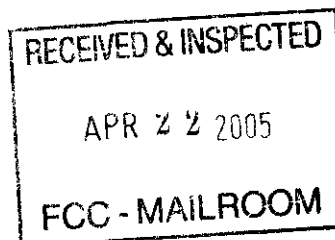
April 19, 2005

Federal Communications Commission
445 12th Street SW
Washington, DC 20554



Re: Letter of Appeal
CC Docket No. 02-6

Funding Year: 2003-2004
Form 471 Application Number: 380723
Funding Request Number: 1047226
Applicant Name: Mountain Lake Children's Residence, Inc.
Billed Entity Number: 220466
School's correspondence dated: November 30, 2004



The following is an appeal on the Administrator's decision on Appeal dated March 17, 2005.

The SLD has denied Mountain Lake Children's Residence, Inc.'s appeal to the Schools and Libraries Division (SLD) on August 18, 2004 on a Funding Commitment Decision Letter dated November 22, 2004 denying total funding for the above listed funding request number due to the following decision explanation: *"Similarities in Forms 470s and in selective review responses amongst applicants using this service provider suggest service provider involvement in the competitive bidding process."*

In Mountain Lake Children's Residence, Inc.'s letter of Appeal to the SLD on August 18, 2004 the following positions were stated:

On November 10, 2002 Mountain Lake Children's Residence, Inc. posted a Form 470 online to mark the start of a 28-day open bidding process required by USAC/SLD prior to choosing service providers for selected services and subsequently filing a Form 471. I, Joe Schmukler of Mountain Lake Children's Residence, Inc.'s, personally and singularly completed the Form 470 online. This was accomplished by reviewing the eligible services list posted on SLD's website and carefully selecting those pertaining to our school and which we would be applying for discounts on through the Universal Service Fund.

I am, therefore, at a total loss as to understand why the above FRN has been denied due to similarities on the Forms 470s posted amongst other applicants suggesting service provider involvement. For the most part, it is difficult to comprehend how the SLD can issue a denial of an FRN based on activities that merely *suggest* a violation of program rules. The Program Integrity Assurance Team has been assigned to clarify any questions that arise during the review process. Verification rather than an assumption of questionable activities would have been in order.

In addition, I would like to add that perhaps the following was assumed. Being that I am the CIO of Information Systems for several schools that have applied for E-Rate, the general format and services listed on the forms I completed for each of those schools are the same and may seem possible that a service provider had improper involvement in the competitive bidding process. On the contrary, the opposite is true. As mentioned earlier, I personally completed the forms for each of the schools with my own knowledge of the school's needs and of the E-Rate grant rules, regulations and process without any outside interference. The reason for doing so was to create one unified and standardized technology environment for all Mountain Lake Children's Residence, Inc./Lake Grove Schools. While the numerous schools' Forms 470s give the same appearance as far as the verbiage is concerned, the details correspond to each specific school's needs.

On July 10, 2003 Mountain Lake Children's Residence, Inc. received a Selective Review. I personally responded to this request for information since I am thoroughly familiar with all aspects of the school. All the information contained within my response was prepared by me and was in accordance with an announcement posted on the SLD website on

May 13, 2003, **"Service Providers Cannot Respond to Selective Review Requests (5/13/03)."** Being the person authorized by the applicant to sign on the applicant's behalf, I was required to certify that I prepared the responses to the Selective Review Information Request on behalf of the entity. This certification was included with my response.

It represented a certification that:

1 - The rules requiring applicants to have secured access to all the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services had been met.

2 - The rules requiring that applicants comply with the FCC's competitive bidding requirements had been met.

3 - The questions answered and documentation that was provided regarding the competitive bidding and vendor selection process were prepared by me as well as the provided documentation of the school's ability to pay their share of the cost of the E-Rate eligible products and services, and to estimate the costs of hardware, software, professional development, retrofitting, and maintenance investments that might not be E-Rate eligible, but are necessary to make effective use of the discounts.

It is unfathomable how after this certification was made the SLD then went and denied the above FRN for this exact reason based on an assumption.

As stated previously, I would like to reiterate that perhaps the following was assumed. Being that I am the CIO of Information Systems for several schools that have applied for E-Rate, the general format of my responses to reviews completed for each of those schools are the same and may seem possible that a service provider had improper involvement in the response of them. On the contrary, the opposite is true. As mentioned, I personally completed the response to the selective reviews for each of the schools with my own knowledge of each individual schools technology needs and compliance of E-Rate and FCC grant rules, regulations and process. While the numerous school's selective review responses may have given the same appearance as far as the layout and verbiage was concerned, the details contained within were specific to each schools needs.

The administrators Decision on Appeal Explanation is as follows:

- On Appeal, you disagree with the denial reason that similarities in Forms 470 posted amongst applicants suggest service provider involvement in the competitive bidding process. You claim that you personally completed the forms for your schools with knowledge of the schools' needs and of E-Rate rules and regulations. You state that you personally responded to the Selective Review Information Request. You believe the denial is unjustified based on your arguments and request that the decision be overturned.
- Upon thorough review of your appeal letter and all relevant documentation, it is determined that Mountain Lake Children's Residence, Inc.'s Form 470 identifier and Form 470 service descriptions displayed striking similarities to those of other applicants that selected Ed Tec as their vendor. These similarities were only noted with applicants that filed requests for services and products from Ed Tec, which indicates that Ed Tec was improperly involved in the competitive bidding and vendor selection process. In your appeal, you have not shown that SLD's determination was incorrect or that any such involvement was vendor neutral.
- SLD denied your funding request because it determined that similarities in the Form 470 among applicants associated with this vendor, indicate that the vendor was improperly involved in the competitive bidding and/or vendor selection process. In your appeal, you have not shown that SLD's determination was incorrect. Consequently, SLD denies your appeal.
- FCC rules require applicants to submit an FCC Form 470 to USAC for posting on its web site. 47 C.F.R. 54.504(b). The FCC requires applicants to "submit a complete description of the services they seek so that it may be posted for competing service providers to evaluate." Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, FCC 97-157, 570 (rel. May 8, 1997) (Universal Service Order). The FCC requires "the application to describe the services that the schools and libraries seek to purchase in sufficient detail to enable potential providers to formulate bids." Id.575. The Form 470 warns applicants that "[s]ervice provider involvement with the preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of the funding requests. See Schools and Libraries Universal Service, Description of Services Requested and Certification Form 470, OMB 3060-0806 (FCC Form 470). Once the applicant enters into an agreement(s) with the service provider(s), the applicant submits an FCC Form 471 to SLD. 47 C.F.R. 54.504(c). The FCC has stated that applicants cannot abdicate

control over the application process to a service provider that is associated with the FCC Form 471 for that applicant. Request for Review by Bethlehem Temple Christian School, Federal-State Joint Board on Universal Service. Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45, 97-21, DA-01-852 6 (rel. Apr. 6, 2001.)

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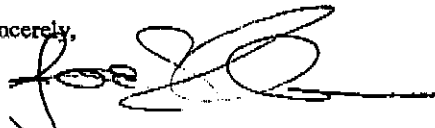
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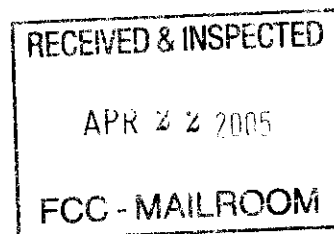
Joe Schumukler
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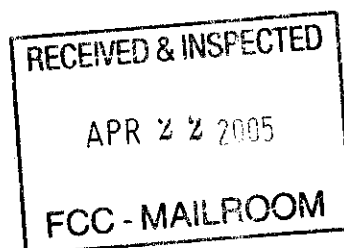
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RE: Lake Grove Maple Valley, Inc.
Letter of Appeal

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Contact Name: Joe Schmukler
Phone: 631.716.2109
Fax: 631.716.2107
Email: cioofis@aol.com



3390 Route 112 P.O. Box 786 Medford, NY 11763-0786
Phone: 631-716-2100 Fax: 631-716-2107

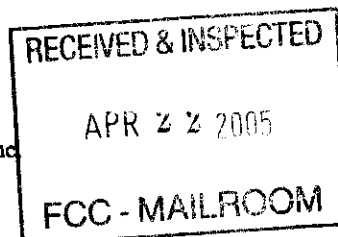
April 19, 2005

Federal Communications Commission
445 12th Street SW
Washington, DC 20554



Re: Letter of Appeal
CC Docket No. 02-6

Funding Year: 2003-2004
Form 471 Application Number: 380920
Funding Request Number: 1047902
Applicant Name: Lake Grove at Maple Valley, Inc.
Billed Entry Number: 220465
School's correspondence dated: August 18, 2004



The following is an appeal on the Administrator's decision on Appeal dated February 24, 2005.

The SLD has denied Lake Grove at Maple Valley, Inc.'s appeal to the Schools and Libraries Division (SLD) on August 18, 2004 on a Funding Commitment Decision Letter dated July 27, 2004 denying total funding for the above listed funding request number due to the following decision explanation: *"Similarities in Forms 470s and in selective review responses amongst applicants using this service provider suggest service provider involvement in the competitive bidding process."*

In Lake Grove at Maple Valley, Inc.'s letter of Appeal to the SLD on August 18, 2004 the following positions were stated:

On November 10, 2002 Lake Grove at Maple Valley, Inc. posted a Form 470 online to mark the start of a 28-day open bidding process required by USAC/SLD prior to choosing service providers for selected services and subsequently filing a Form 471. I, Joe Schmukler of Lake Grove at Maple Valley, Inc., personally and singularly completed the Form 470 online. This was accomplished by reviewing the eligible services list posted on SLD's website and carefully selecting those pertaining to our school and which we would be applying for discounts on through the Universal Service Fund.

I am, therefore, at a total loss as to understand why the above FRN has been denied due to similarities on the Forms 470s posted amongst other applicants suggesting service provider involvement. For the most part, it is difficult to comprehend how the SLD can issue a denial of an FRN based on activities that merely *suggest* a violation of program rules. The Program Integrity Assurance Team has been assigned to clarify any questions that arise during the review process. Verification rather than an assumption of questionable activities would have been in order.

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On July 10, 2003 Lake Grove at Maple Valley, Inc. received a Selective Review. I personally responded to this request for information since I am thoroughly familiar with all aspects of the school. All the information contained within my response was prepared by me and was in accordance with an announcement posted on the SLD website on May 13, 2003, **"Service Providers Cannot Respond to Selective Review Requests (5/13/03)."** Being the person authorized by the applicant to sign on the applicant's behalf, I was required to certify that I prepared the responses to the Selective Review Information Request on behalf of the entity. This certification was included with my response. It represented a certification that:

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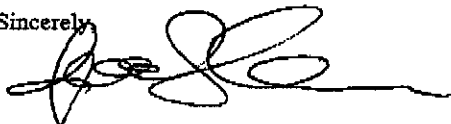
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